

REMARKS

The claims have been amended by rewriting claims 1-18. Claims 1-18 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Further, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

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35 U.S.C. § 102(b)

Claims 1-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Macera et al (U.S. Patent No. 5,490,252, hereinafter Macera et al.). This rejection is respectfully traversed. Applicants' independent claim 1 calls for, among other things, an active network, a vehicle including the active network, a first device and a second device communicatively coupled by the active network, and a data packet, wherein the data packet has an active portion. Support for the additional language in the claims can be found on page 7, lines 11-12.

Mancera et al. discloses a system for exchanging packets between networks (abstract). Mancera et al. further discloses converting each received native packet to a packet having a generic format common to all networks connected to the system (column 2, lines 4-6). “A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference.” Verdegall Bros. V. Union Oil Co. Of California, 814 F.2d 628, 631 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). MPEP § 2131. Contrary to Examiner’s statement that all elements are disclosed in Mancera et al., applicants claimed elements including *an active network, a vehicle including the active network, a first device and a second device communicatively coupled by the*

active network, and a data packet, wherein the data packet has an active portion are not disclosed in Mancera et al., so the rejection is unsupported by the art and should be withdrawn.

Claims 2-18 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on references of Mancera et al. for at least the same reasons as claim 1.

35 U.S.C. § 102(e)

Claims 1-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by Muller et al (U.S. Patent No. 6,389,468, hereinafter Muller et al.). This rejection is respectfully traversed. Applicants' independent claim 1 calls for, among other things, an active network, a vehicle including the active network, a first device and a second device communicatively coupled by the active network, and a data packet, wherein the data packet has an active portion. Support for the additional language in the claims can be found on page 7, lines 11-12.

Muller et al. discloses a system and method for distributing the processing of network traffic through a protocol stack on a host computer system (abstract). Muller et al. further discloses a network interface circuit (NIC) is configured to receive and process communication packets exchanged between a host computer system and the Internet. The NIC is configured to receive and manipulate packets formatted in accordance with a protocol stack supported by a network coupled to the NIC (column 6, lines 34-42). “A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference.” Verdegall Bros. V. Union Oil Co. Of California, 814 F.2d 628, 631 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). MPEP § 2131. Contrary to Examiner’s statement that all elements are disclosed in Muller et al., applicants’ claimed elements including *an active network, a vehicle including the active network, a first device and a second device communicatively coupled by the active network, and a data packet, wherein the data packet has an active portion* are not disclosed in Muller et al., so the rejection is unsupported by the art and should be withdrawn.

Claims 2-18 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on references of Muller et al. for at least the same reasons as claim 1.

Prior Art Not Relied Upon

The references cited but not relied upon are not believed to anticipate or make obvious applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

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